

# NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 11/14/2003  
Departmental Paperwork Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6625  
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 09/11/2003.

TITLE: Southwest Region Logbook Family of Forms

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0214

EXPIRATION DATE: 11/30/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	1,030,692	2,339	3
New	1,029,632	2,339	3
Difference	-1,060	0	0
Program Change		0	0
Adjustment		0	0

TERMS OF CLEARANCE: None

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OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of  
Information and Regulatory Affairs

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# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated  5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No  6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT  
SOUTHWEST REGION LOGBOOK FAMILY OF FORMS  
OMB CONTROL NO. 0648-0214**

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary.**

The Magnuson-Stevens Fishery Conservation and Magnuson Act (Magnuson-Stevens Act) established regional fishery management councils, including the Western Pacific Council (Council), to develop fishery management plans (FMPs) for fisheries in the U.S. exclusive economic zone (EEZ). These plans, if approved by the Secretary of Commerce, are implemented by Federal regulations that are enforced by the National Marine Fisheries Service (NMFS) and the U.S. Coast Guard (USCG), in cooperation with State agencies to the extent possible. FMPs are intended to regulate fishing for stocks to prevent overfishing and achieve the optimum yield from the fisheries for the benefit of the Nation.

The Council has prepared, and the Secretary has approved FMPs for four western Pacific fisheries: crustaceans, precious corals, pelagic species, and bottomfish/seamount groundfish. Each FMP establishes a number of conservation and management measures, including but not limited to permits, gear restrictions, temporal and areal closures, harvest guidelines, and reporting requirements. The reporting requirements are crucial to ensure that the Council and NMFS will be able to monitor the fishery and have fishery-dependent information to evaluate the effectiveness of management measures, determine whether changes in fishery management programs are necessary, and estimate the impacts and implications of alternative management measures. Under another clearance (OMB No. 0648-0204), information is collected from fishery participants who obtain fishing permits and experimental fishing permits from NMFS. Permit information provides a means of assessing the size and characteristics of the fishery and identifying those who might be affected by management measures. This submission addresses information needed on actual fishing activities to determine how different participants might be affected and how stocks and other living marine resources might be affected by changes in regulations governing the fishery.

Specific reporting requirements for the individual fisheries identified with the relevant section of 50 CFR 660 are as follows:

<b>Pelagics (Longline only)</b>	<ul style="list-style-type: none"> <li>•Logbooks: catch &amp; effort data and protected species interactions (660.14(a))</li> <li>•Transshipment logbooks (660.14(b))</li> <li>•Dealer records (no form) (660.14(f)(1))</li> <li>•Pre-trip notification (no form)(660.23(a))</li> <li>•Observer placement meeting (no form) (660.28(d))</li> <li>•Protected species zone entry/exit notification (no form)(660.23(b))</li> <li>•Vessel monitoring system (VMS): installation, maintenance, monitoring (no form) (660.25)</li> <li>•Claim for reimbursement for lost fishing time (no form) (660.28(i))</li> <li>•Longline fishing closed area exemption request (no form) (660.27(d))</li> </ul>
<b>Pelagic (Toll and Handline in PRIA)</b>	<ul style="list-style-type: none"> <li>•Logbooks catch &amp; effort data and protected species interactions (660.14(a))</li> </ul>
<b>Crustaceans</b>	<ul style="list-style-type: none"> <li>•Logbooks: catch &amp; effort data and protected species interactions (660.14(a))</li> <li>•Sales report (660.14(c))</li> <li>•Dealer packing/weigh-out slips; records (no form) (660.14(d); 660.14 (f)(2))</li> <li>•Pre-landing notice (no form) (660.43(a)(1))</li> <li>•Pre-offloading notice (no form)(660.43(a)(2))</li> <li>•Pre-season VMS notification (no form)(660.48(a)(9))</li> <li>•VMS monitoring (no form)(660.48 (a)(7) and (8))</li> <li>•Gear left at-sea report (no form) (660.48(a)(6))</li> <li>•At-sea catch report (no form)(660.50(c))</li> </ul>
<b>Bottomfish/ Seamount Groundfish</b>	<ul style="list-style-type: none"> <li>•Logbooks: catch &amp; effort data (State of Hawaii form) (660.3 &amp; 660.14(g))</li> <li>•Protected species interaction report (no form)</li> <li>•Pre-trip notification (no form)(660.63)</li> <li>•Pre-landing notification (no form) (660.63)</li> </ul>
<b>Precious corals</b>	<ul style="list-style-type: none"> <li>•Logbooks: catch and effort data (660.14(a))</li> <li>•Sales report (in logbook) (660.14(a))</li> </ul>
<b>Experimental Fishing Permits</b>	<ul style="list-style-type: none"> <li>•Experimental fishing reports (no form) (600.17)</li> </ul>

As indicated, these data are needed to monitor the fisheries, determine whether the current management measures are having the intended effects, and evaluate the benefits and costs of changes in management measures.

Pre-trip notifications are required for the Hawaii longline and Northwestern Hawaiian Islands (NWHI) bottomfish fisheries to determine whether vessels should be required to carry observers to collect detailed information on the fishery, including total catch and discards, interactions with protected resources, and biological characteristics of the catch. Observers are able to collect more detailed information than could be expected of fishermen. In cases when an observer placement is needed, this collection also provides time for a pre-trip meeting between the vessel operator and NMFS staff to arrange the observer placement. This meeting ensures that the vessel operator and the observer have common information concerning the roles and responsibilities of the operator, crew, and observer during the trip. Pre-trip notices from vessels also may provide a basis for targeting enforcement efforts to determine compliance with management measures.

Logbooks (crustaceans, pelagic longline, precious corals, and pelagic troll or handline gear vessels around the U.S. Pacific remote island areas) are required to obtain catch and effort information. These data are especially needed for determining the condition of the stocks. Drastic changes in catch per unit effort (CPUE) are often indicative of significant shifts in the size and structure of the stock and suggest that changes in management measures may be appropriate to respond to declines or increases in stock sizes. Changes in CPUE in a fishery may reflect interactions with another fishery (e.g., longline fishing for pelagic species may affect troll and handline catches of pelagic species, and vice versa) or may have implications for other fisheries (e.g., if CPUE drops in fishery A, vessels may shift over to fishery B). The annual report evaluations for the crustacean, pelagic, precious coral, and pelagic troll or handline gear (for vessels around the U.S. Pacific remote island areas) fisheries depend heavily on the availability of catch and effort data from logbooks.

State of Hawaii logbooks provide NWHI bottomfish catch and effort information which is used by NMFS, among other things, to evaluate and determine the eligibility of vessel owners for renewal of NWHI bottomfish limited access permits (50 CFR 660.61). There is no Federal logbook reporting requirement for the NWHI bottomfish fishery because of the agency's reliance on the State's reporting requirement. The state's bottomfish logbook information is also used for annual reports on the status of the NWHI fishery.

Sales and transshipment reports (crustaceans, pelagics) are used to ensure full reporting of all landings and sales of fish from the management unit. Vessels in the Hawaii longline fishery occasionally receive shark fins from foreign mothership vessels. The fins are landed in Hawaii and directly transshipped, via containers, as bonded products to Asian markets. NMFS longline transshipment reports serve as one of the major sources of information on shark fins originated from foreign fishing vessels and landed in Hawaii since there might not be records compiled on this commodity by the state fishery agency.

The sales report portion of the precious corals logbook provides a basis of understanding the economic values associated with the fishery, which is still in a developmental stage with virtually no historic data. This information is vital for comprehending the full economic values associated with the fishery and support industries; it is needed to evaluate the magnitude and distribution of impacts from changes in management regulations.

In the longline fishery, notification is required from Hawaii longline vessels that are not equipped with VMS units and which intend to transit through the 50-nm protected species zone around the NWHI. At this time, all vessels active in the fishery have VMS units so this requirement is moot. It is possible that one or more inactive permit holders will reenter the fishery with a vessel that does not have a VMS unit. This notice is intended to assist in deployment of enforcement assets to monitor vessel activity in and through this zone and ensure that no fishing occurs within closed waters. The closure serves to protect Hawaiian monk seals, an endangered species. However, the trend is for vessels to leave, rather than enter, this fishery and no vessels without VMS are expected to participate. Therefore, it is estimated that there is zero burden associated with this requirement.

In-season, at-sea daily catch and effort reports are required in the NWHI lobster fishery to allow NMFS to monitor catches on a daily basis during the fishing season so that the harvest guideline can be implemented. At current stock levels, the fishery only lasts about one month, so daily reports are critical to ensure that the harvest limit is not exceeded. It should be noted that this fishery will be closed during year 2000 due to concerns about the lobster stock; its future remains uncertain at this time.

Operators of vessels registered with NWHI lobster fishing permits are allowed to report in-season catch and effort information to NMFS while at sea via VMS, single side-band radio, marine operator, etc. Because of its cost-effectiveness, VMS is currently the method of choice for at-sea transmission of lobster data. Federal regulations require an operator of a permitted NWHI lobster vessel to notify NMFS by June 15 of each year (prior to the July 1 opening of the lobster season), whether his or her vessel will be using a VMS unit in the fishery enabling NMFS to inspect and certify the unit. Most of the lobster boats are also registered with Hawaii longline permits and carry NMFS purchased and installed VMS units. Therefore, at this time there are no costs associated with VMS purchase/installation, although the vessels pay for at-sea messaging of their daily catch and effort data to NMFS. Vessels that initially enter the fishery and do not have Hawaii longline permits will have to bear the cost of purchasing and installing NMFS-certified VMS units. In the NWHI crustacean fishery, federal regulations allow vessel position reports to be transmitted via VMS to NMFS as a condition for lobster vessels to enter the Crustacean Permit Area, which is closer to the lobster grounds, just prior to opening of the commercial lobster season. Likewise, VMS position reports transmitted to NMFS when closure of the lobster season is announced, via VMS, allow the lobster vessels to exit the fishing grounds and return to port in a timely manner.

Required pre-landing notification (NWHI crustacean fishery) and pre-offloading notifications (NWHI crustacean and bottomfish fisheries) facilitate enforcement of fishery regulations and sampling of the catch to obtain better information on the species and size composition of the landings. These data are vital for sound stock assessments to determine the need for changes in regulations to protect the stocks. Dock-side inspections by NMFS enforcement agents also provide a check on compliance with reporting requirements.

Reports on protected species interactions (pelagics, crustaceans, bottomfish) are required to ensure adequate information on the extent to which there are any direct impacts of the fishery on the protected species. In the crustacean and longline fisheries, such interactions are reported on logbook forms previously cleared by OMB under this collection. In the NWHI bottomfish fishery, although fishermen report their bottomfish landings on State of Hawaii logbook forms, these forms do not collect protected species interaction information. In this instance, fishermen have been instructed by NMFS to report any protected species interaction on whatever form they believe is appropriate to describe the event. While no interaction with protected species is expected, the estimate of burdens includes the estimated paperwork for one interaction per year as a “worst case scenario”.

The requirement to report lobster traps left at sea is intended to monitor the impacts of and, when possible, to ensure quick removal of gear that could adversely impact protected Hawaiian monk



seals. Although there have been no reports of monk seals interacting with traps, there is still a potential that lost gear could entangle or ensnare seals while the seals are foraging for food. Also, any lost gear could be actively "ghost fishing" (i.e., catching lobsters that subsequently cannot escape and die) and cause unanticipated fishing mortality.

Experimental fishing permits (EFPs) are available to all western Pacific fisheries to allow fishing using gear, techniques, or strategies that are otherwise prohibited under the respective fishery management plans. For example, these permits may allow fishermen to experiment with new gear and techniques that might increase catch per unit effort and reduce the catch of incidental species. They also allow fishermen to engage in data collection activities during a closed season in support of NMFS fishery research and management programs or to achieve other desirable objectives. The FMPs require that there be reports of the results of fishing under the EFPs so that there will be a basis for determining whether to change the regulations to allow the new gear or techniques in the fishery. The reports are needed to establish whether the objectives of granting the EFP were achieved.

In rare situations, a longline vessel operator or owner may incur "lost fishing time" due to observer injury or illness. If so, the operator or owner may file a claim for compensation based on information about average catches per day at sea the previous two years and current fish prices. While no such claims are expected, the estimate of burdens includes the estimated paperwork associated with one claim per year as a "worst case" scenario.

In four cases, while the regulations authorize or establish requirements that involve collection burdens, it is estimated that there will be no actual burden due to changes in the fishery. First, in the longline fishery, substantial parts of the EEZ around the main Hawaiian islands are generally closed to longline fishing, but a person who can demonstrate reliance on this area over a long period to time may qualify for an exemption from the area closure. The regulations provide a process to request and document this exemption, which is intended to allow operators of small vessels with long-term dependence on nearshore waters to continue to use longline gear. The documentation provides details so that enforcement officers can monitor compliance with any such exemption limits. No new requests are anticipated in the future even though the provision remains in the regulations. Second, a pre-trip notification requirement remains in the regulations for the bottomfish fishery. It was instituted to facilitate placement of observers on NWHI bottomfish fishing vessels. However, due to budget constraints, staff shortages, and an emphasis on monitoring the longline fishery, no observers have been placed under this authority, and pre-trip notices are not being enforced. Continuation of this requirement is being reviewed. At this time, no pre-trip notices are expected. Third, also in the NWHI bottomfish fishery, a pre-landing notice has been required that applied only to those vessels on a trip with observer coverage. The notice was needed to plan to meet the vessel and debrief the observer if deemed necessary. Again, as no observers are available for the fishery, this requirement is estimated not to generate any burden for the foreseeable future. Fourth, the regulations for the crustaceans fishery require weigh-out slips and dealer reports to be submitted, if available, with a sales report. However, actual practice indicates weigh-out slips and dealer reports for crustaceans are not available at that time and are not being submitted. Similarly dealer records for longline-caught pelagic species are not being collected under the authority vested in NMFS.

All longline vessels registered with Hawaii longline limited entry permits are required to carry VMS units when at sea. A permitted longliner is prohibited from fishing for pelagic species without a VMS unit on board after the vessel's owner (permit holder) has been advised by NMFS of a requirement for such a unit. NMFS provides the units and installs them at no cost to the permit holder. Installation times have been arranged at times when the vessel is in port between trips to ensure minimal disruption of other activities by the vessel. However, the vessel owner or a representative generally takes the time to observe the installation. In addition, the vessel owner or representative observes an annual maintenance check and any software changes.

VMS units allow the continuous monitoring of vessel locations to facilitate enforcement of area closures to protect Hawaiian monk seals and other protected species, and to prevent incidents of gear conflict between longlines and troll and handlines. Vessel locations are "polled" from a shore station by USCG and NMFS Enforcement staff on a regular basis, with the frequency of polling varying depending on the proximity of a vessel to a closed area boundary and the EEZ. A vessel's longline fishing activity can be determined by the "signature" made when positions are polled frequently.

VMS vessel location reports are used to facilitate enforcement of area closures and permit requirements for the fishery. The reports provide real-time vessel location and activity information needed by NMFS and USCG to deploy enforcement assets efficiently to enforce area closures as outlined above. The VMS reports also can be used to check the accuracy of the information contained in the longline logbooks required by the regulations. This is important in determining or verifying locations of catch by species and time, as well as locations in which there are interactions with protected species such as endangered and threatened sea turtles. The information provides a basis for determining whether changes in management are needed to protect sensitive species or to address fishery interaction problems and for evaluating the impacts of potential changes.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

On a broad level, the reporting requirements provide the information needed by NMFS and the Council to regulate and monitor the fisheries managed under the FMPs and to evaluate the effectiveness of management by assessing the status of stocks and the status of the fisheries. The information provides a basis for determining whether changes in management are needed to sustain the productivity of the stocks or to address economic problems in the fishery. The information is also used to provide a basis for evaluating the magnitude and distribution of impacts resulting from changes to the regulations. Without the information, the Council and NMFS would be unable to determine whether management is achieving the objectives of the FMPs and preventing overfishing, the principal requirement of the Magnuson-Stevens Act.

Information from mandated logbooks, sales reports and, if necessary, packing/weigh-out slips, is used to determine specific changes in fishery patterns, such as seasonal shifts and areas which

are more important than others to the stocks or to the fishermen. Information from the logbooks, as well as ancillary dealer records, is used by enforcement agents of NMFS, State and USCG to monitor compliance with fishing regulations and reporting requirements. Information from pre-trip reports is used by NMFS to determine whether to place observers on selected vessels to obtain detailed information on fishing practices (including interactions with protected species) and the characteristics of the catch.

NMFS observer placement meetings ensure that there is common understanding of the roles and responsibilities of the vessel operator, crew, and observer during a trip. Information from pre-landing reports is used by NMFS to monitor compliance with the fishery regulations. Information provided by VMS (e.g., identity and location of longline vessels) is used to detect illegal fishing by longline vessels in the closed areas around the Hawaiian Islands without using patrol aircraft and vessels. Also, catch and effort information transmitted ship-to-shore via VMS enables NMFS to administer the lobster harvest guideline program. The timely receipt of harvest information enables NMFS to better determine when the harvest guideline will be attained and provide fishermen with advance notice of when closure of the lobster fishery will take effect. Other users and uses of information under this collection include required documentation submitted by longline vessel operators or owners to receive compensation from NMFS for lost fishing time due to serious injury or illness of a NMFS observer and notification by lobster boats of traps being stored at sea due to emergency situation and allowing NMFS to monitor for potential adverse impacts to protected species and the ecosystem.

Reports provided by fishermen as required under the experimental fishing program allow NMFS to use and disseminate the results of prohibited fishing activities which, when conducted under NMFS-specified controlled conditions, can yield much needed information on the resources and fisheries.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

NMFS and the Council are continuing to investigate information technology advances that would simplify the collection and reduce the burden. For example, reporting of catch and effort data electronically in association with vessel monitoring system units is already being done on a limited basis, e.g., NWHI lobster fishery, although data transmission security concerns have

been raised by the industry. However, none of the collection elements that comprise this overall proposal is especially difficult or burdensome, and electronic reporting is being refined in order to provide strong basis for its adoption universally by all participants in fisheries managed by the Council. Logbook data are entered daily on forms provided by NMFS to prevent data quality problems from faulty recall. Pre-trip notifications are easily made by telephone, as are pre-landing/off-loading notifications. The difficulty of completing EFP reports cannot be predicted, and no forms are proposed. At this time a written report is needed to evaluate the results relative to the current management regulations; however, NMFS and the Council are developing and considering options for fishing vessel operators to use personal computers for electronic logbook reporting. It is anticipated that some form of electronic reporting program will be implemented for the western Pacific pelagic longline fishery by the end of 2003 or in early 2004.

**4. Describe efforts to identify duplication.**

NMFS carefully considered whether there were other collections by State and Territory agencies that might meet the information needs presented above. It was concluded that no other collections would meet these needs. The State of Hawaii requires submission of catch information, however, quite often the data are not available on a timely basis for Council and NMFS use. The Territory of American Samoa has promulgated requirements for filing catch reports, but this requirement does not provide the level of detail needed, and full compliance is not yet being achieved. Random sampling programs are used in Guam and American Samoa to monitor landings (non-longline pelagic fishery), but these collect total trip data rather than the daily records needed by the Council and NMFS. None of these other programs provide information regarding fishery interactions with protected species. There are no other Federal agencies collecting catch and effort data on these fisheries. It is noted that because there is the longline logbook requirement, High Seas Fishing Compliance Act logbooks are not required for longline vessels registered with Hawaii limited entry or western Pacific general longline permits even when these vessels are fishing on the high seas.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

All of the vessels in the western Pacific fisheries are small business entities of similar size and are affected comparably. No special measures are needed to accommodate different sized businesses. Only the minimum data to meet the need for fishery-dependent data are collected through these programs.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

If the data are not available from this collection, NMFS and the Council will be unable to make sound management decisions that will conserve the fish stocks and sustain the economic health of the fisheries involved in the long term. Management will have to be far more conservative, and there will likely be adverse impacts on the fisheries or foregone benefits due to fishery constraints which might be unnecessary if full information were available. Stock assessments

will have much higher potential for error; economic problems in the fisheries will not be identified on a timely basis; and the ability to estimate the impacts of changes in management will be severely limited, especially issues related to threatened and endangered species.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

The collection is consistent with the OMB Guidelines, except that the frequency of the collections exceed the minimum quarterly reporting schedule and in most cases the collections require a response time of less than 30 days. The reporting frequency and response time for fishery-dependent data vary with specific reporting requirement. Daily logbooks were deemed most appropriate for detailed catch and effort data needed to assess the status of the stocks and the impacts of the fishery on the stocks, as well as the impact of regulations on the fisheries. Telephone notifications before and after the trips for selected fisheries are required on a trip-by-trip basis to ensure the ability to place observers on a sound basis and to enhance compliance monitoring. EFP reports would be on an event basis. Transshipment reports would be required only for days when such activity occurs. At-sea catch reporting in the NWHI lobster fishery is limited to the frequency needed to ensure adequate monitoring of the catch against the harvest guideline without overburdening the fishermen. This is the least frequent reporting that is expected to meet the requirements for collecting data on a timely basis. VMS position reports are needed on a real-time basis. Collecting data less frequently (e.g., on a quarterly basis) and allowing fishermen at least 30 days to notify or submit required reports to NMFS (or the State of Hawaii for bottomfish reports) would diminish NMFS' and the Council's ability to make timely management decisions. As a result an overly conservative management approach would probably have to be adopted to accommodate greater uncertainty and minimize the risk of making the wrong decisions.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A Federal Register Notice (copy attached) solicited public comment on this collection. None was received.

In addition, through the annual FMP evaluation process, the Council and industry consider the need for changes in reporting elements, frequency, or approaches.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payments or gifts are involved in this collection.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

The Magnuson-Stevens Act (16 U.S.C. 1881a) stipulates that data required to be submitted under a FMP shall be confidential and shall not be released except to Federal employees and Council staff responsible for FMP monitoring and development, or when required under court order. NOAA Administrative Order 216-100 also protects this information. Logbook and other data submitted by fishermen will therefore be maintained as confidential.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

No questions of a sensitive nature are asked.

**12. Provide an estimate in hours of the burden of the collection of information.**

<b>PACIFIC PELAGIC FISHERY</b>	<b>HOURS</b>
<b>Hawaii Longline:</b>	
Logbooks: 115 vessels x 10 trips/vessel x 11 days/trip x 5.25 min/day	= 1106.87
Pre-trip Notice: 115 vessels x 10 trips/vessel x 3 min/trip	= 57.50
Observer Placement Meetings: 115 vessels x meetings/vessel x 1 hour/meeting	= 115.00
Transshipment Logbooks: one vessel x 10 trips/vessel x 1 report/trip x 5 min/report	= 0.83
Pelagic Management Unit Species Dealer Report: 5 min/report (none expected)	= 0.00
Claims for Reimbursement for Lost Fishing Time: One claim x 4 hours/claim	= 4.00
Notification of entry to/exit from protected species zone: 24 sec/day (none expected)	= 0.00
Request for Longline Closed Area Exemption: 30 min/request (none expected)	= 0.00
Longline Area Closure - VMS installation: 15 vessels x 4 hours/vessel	= 60.00
Longline Area Closure - VMS Maintenance: 115 vessels x 2 hours/vessel	= 230.00
Longline Area Closure - VMS Monitoring: 115 vessels x 24 seconds/day x 365 days/yr	= 279.80
<b>Pelagic (Toll and Handline in PRIA)</b>	
Logbooks: 2 vessels x 50 trips/vessel x 3days/trip x 5 min/report	= 25.00
<b>American Samoa Longline:</b>	
Logbooks: 30 vessels x 100 trips/vessel x 1 day/trip x 5.25 min/day	= 262.50

**Guam, Commonwealth of the Northern Mariana Islands, U.S. Pacific Island Possessions Longline:**

Logbooks: 3 vessels x 10 trips/vessel x 11 days/trip x 5.25 min/day = 28.87

**CRUSTACEAN FISHERY**

Pre-landing Notice: 5 vessels x 1 trip/vessel x 3 min/trip = 0.25

Pre-offloading Notification: 5 vessels x 1 trip/vessel x 3 min/trip = 0.25

Logbooks: 5 vessels x 1 trip/vessel x 28 days/trip x 10 pages/day x 5 min/page = 116.66

At-sea catch reports: 5 vessels x 28 reports/vessel x 3 min/report = 7.00

Pre-season VMS Notice: 5 vessels x 1 notice/vessel x 3 min/notice = 0.25

VMS Monitoring: 5 vessels x 24 seconds/day x 34 days/yr = 1.13

Sales Reports: 5 vessels x 1 trip/vessel x 1 report/trip x 5 min/report = 0.42

Dealer packing, weigh-out slips, records: 3 min/trip (none expected) = 0.00

Report on gear left at sea: 1 report/yr x 5 min/report = 0.08

**BOTTOMFISH & SEAMOUNT GROUND FISH FISHERIES**

Pre-trip notification (Not currently applied): 3 min/trip (none expected) = 0.00

Pre-landing notification for observed vessels: 3 min/trip (not currently applied) = 0.00

Logbooks: catch and effort data (State of Hawaii form) = 0.00

Protected species interaction: 1 report x 2 hr/report (no form) = 2.00

**PRECIOUS CORAL FISHERY**

Logbooks: 2 vessels x 10 trips/vessel x 7 days/trip x 7 min/day = 23.33

Sales report in logbook: 2 vessels x 10 trips/vessel x 1 report/trip x 5 min per report = 1.66

**EXPERIMENTAL FISHING PROGRAM**

Experimental fishing report: 4 vessels x 1 report/vessel x 4 hours/report = 16.00

**TOTAL ANNUAL COLLECTION BURDEN** = 2339.40

In deriving this estimate, the anticipated observer coverage rate is 20 percent of all trips for longline vessels out of Hawaii. At this time, the extent to which this rate of observer coverage can be maintained due to projected funding constraints is unknown.

The estimated annual cost to respondents is estimated at \$46,780. This was derived by multiplying the number of hours of burden each year (2,339 hours) times an hourly cost rate of \$20, the estimated total cost for administrative staff support in an office setting.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

A lobster fishing vessel that does not have a VMS unit and enters the NWHI crustacean fishery, via a permit transfer, and chooses to comply with in-season reporting requirement using VMS will have a "start-up" capital cost. The one-time cost to purchase and install a VMS unit on board the vessel is about \$ 2,500. To date, new entrants into the NWHI lobster fishery have been Hawaii longline vessels that are already equipped with VMS units furnished by NMFS. It is likely, however, that a non-Hawaii longline vessel may enter the fishery in the future and be required to purchase/install a VMS unit at a cost of \$2,500.

The estimated annual cost to the lobster fishing fleet for transmission of catch and effort data to NMFS via VMS is \$420 (\$3/message x 28 reports x 5 vessels). VMS messaging cost to monitor Hawaii's longline area closure is borne by NMFS; therefore, no messaging cost is assessed the Hawaii longline fleet.

The annual estimated total cost incurred by vessel operators for postage (\$333) to mail the required reports and for charges to call/fax in pre-landing and pre-offloading notices (\$40) to NMFS is \$373.

**14. Provide estimates of annualized cost to the Federal government.**

The estimated annual cost to the Federal Government to administer the western Pacific data collection program, including the Hawaii VMS program, and to process, store, and write programs for preparing summary reports is \$95,000.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

No changes are requested.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

No formal scientific publications based on these collections are planned at this time. The data will be used for management reports, fishery management plan amendments, and evaluations by the NMFS and the Council. However, subsequent use of the data collected over a series of years may include scientific papers and publications.



**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

The expiration date will be shown on all forms used under this collection.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

There are no exceptions.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.

NMFS WESTERN PACIFIC-PRIA DAILY TROLL AND HANDLINE LOGSHEET      No: \_\_\_\_\_

VESSEL NAME _____	FEDERAL PERMIT NO. _____
DATE DEPARTED FROM PORT: ____/____/____ mm dy year	DEPARTURE PORT _____
DATE RETURNED TO PORT: ____/____/____ mm dy year	RETURN PORT _____

DATE FISHED ____/____/____ mm dy year	PRIA (AREA) FISHED _____
TIME STARTED FISHING _____ (24 hour clock)	BEGIN FISHING POSITION ____°____' Latitude N/S      ____°____' Longitude E/W
TARGET SPECIES: _____	

EFFORT INFORMATION:		NUMBER OF HOURS USED - fill in the number of hours for each gear	AMOUNT OF GEAR - fill in the number of poles or lines used for each gear type on this day	
FISHING METHOD - check all fishing methods used on this day				
Trolling with lures			Number of poles used	
Trolling with live bait			Number of poles used	
Handline			Number of lines used	
Other (please describe)			Amount of other gear used (please describe)	

FISH CATCH INFORMATION	FISH KEPT (RETAINED)		FISH RELEASED	
SPECIES (code)	Number of Fish Caught and Kept	Estimated Total Weight of Fish Caught and Kept	Number Of Fish Released (Alive)	Number Of Fish Discarded (Dead)
Albacore (tombo) (15)				
Skipjack tuna (aku) (22)				
Yellowfin tuna (17)				
Bigeye tuna (16)				
Mahimahi (11)				
Wahoo (ono) (13)				
Blue marlin (1)				
Striped marlin (2)				
Other (specify species):				

PROTECTED SPECIES INTERACTIONS:	NUMBER RELEASED				NUMBER RELEASED		
SPECIES (code)	Uninjured	Injured	Dead	SPECIES(code)	Uninjured	Injured	Dead
Monk Seals (51)				TURTLES: Green (53)			
Dolphin/Porpoise				Leatherback (54)			
Whales				Loggerhead (60)			
BIRDS: Laysan Albatross (74)				Olive Ridley (59)			
Black-footed Albatross (73)				Unidentified Hardshell (65)			
Short-tailed Albatross (75)				OTHER SPECIES (specify):			
Unidentified Bird							

I certify that the above information is complete and true to the best of my knowledge:

PRINT NAME _____	SIGNATURE _____
FISHING LICENSE NUMBER _____	DATE _____

INSTRUCTIONS FOR COMPLETING THE NMFS WESTERN PACIFIC DAILY TROLL AND HANDLINE LOGSHEET

THE VESSEL CAPTAIN OF A VESSEL ENGAGED IN TROLL OR HANDLINE FISHING IN ANY PACIFIC REMOTE ISLAND AREA'S (PRIA's) U.S. EXCLUSIVE ECONOMIC ZONE (200 miles surrounding each island) SHALL:

- (1) Maintain on board the fishing vessel accurate and complete National Marine Fisheries Service (NMFS) Western Pacific Daily Troll and Handline Logsheets recording all specified information within 24 hours of the end of each fishing day; and
- (2) Within 10 days of each landing of fish, or as otherwise directed by the NMFS Southwest Region Regional Administrator, submit original, completed and signed NMFS Western Pacific Daily Troll and Handline Logsheets for each day of that fishing trip to the NMFS Honolulu Laboratory (2570 Dole Street, Honolulu, HI 96822); and
- (3) Make the NMFS Western Pacific Daily Troll and Handline Logsheets available for inspection by an authorized officer or any employee of NMFS personnel designated by the Regional Administrator to make such an inspection.

INSTRUCTIONS FOR COMPLETING THE WESTERN PACIFIC DAILY TROLL AND HANDLINE LOGSHEETS: Please use a new page each day, as well as each time you change PRIA fished.

VESSEL NAME: Enter your vessel's name as it appears on your federal PRIA permit.

FEDERAL PERMIT NO: Enter your vessel's federal (NMFS) PRIA pelagic fishing permit number.

DATE DEPARTED FROM PORT: Enter the date this fishing trip began (month/day/year).

DEPARTURE PORT: Enter the port where this fishing trip began.

DATE RETURNED TO PORT: Enter the date this fishing trip ended (month/day/year)

RETURN PORT: Enter the port where this fishing trip ended.

DATE FISHED: Enter the date of this page's fishing activity (month/day/year).

PRIA OR AREA FISHED: Enter the name of the PRIA fished. PRIAs are defined as the EEZ (out to 200 miles) around Wake Island, Howland Island, Baker Island, Jarvis Island, Palmyra Island, Kingman Reef, or Johnston Atoll. Enter the appropriate area's name. Include bank names if you know them.

TIME STARTED FISHING: Enter the time you began actually fishing (lines in the water) in local time, using a 24 hour clock (example: 1:00 a.m. is 0100, 12:00 noon is 1200, 1:00 p.m. is 1300 and 12 midnight is 2400)

BEGIN FISHING POSITION: Enter the latitude and longitude where you began actually fishing (lines in the water), using Degrees and Minutes. Circle N for north and S for south latitude and, E for east, and W for west longitude, as appropriate.

TARGET SPECIES: Enter the species of fish you were trying to catch on this day. If you were targeting more than one species, please write them all in.

FISHING METHOD: Check off all the gear types that you used on this day, (write in gear types not listed).

NUMBER OF HOURS FISHED: For each gear type that you checked, enter the number of hours spent fishing on this day with that gear.

AMOUNT OF GEAR: For each gear type that you checked, enter the average number of poles or lines fished during this day. Please describe your effort if you used a gear type not listed.

FISH CATCH INFORMATION -- Enter the number or pounds as requested. Write in the names of any species which are caught but are not listed on the form. Your total catch (not entered) will be the sum of the 1st, 3rd, and 4th columns.

1st column:	Total number of fish caught and kept (retained) by species. Do not include fish caught but not kept (released or discarded).
2nd column:	Estimated weight of these caught and kept fish.
3rd column:	Total number of fish caught (but not kept) and released alive.
4th column:	Total number of fish caught (but not kept and discarded dead.

PROTECTED SPECIES INTERACTIONS: Enter number of albatrosses (sea birds), turtles, monk seals and other marine animals caught (hooked or entangled) and released from your gear, by species. If the species is unknown, indicate the general type (e.g., birds). If the species is not listed, write it in. Indicate whether released alive and uninjured, alive but injured, or dead.

SIGN AND DATE: The vessel operator/captain must sign and date each page as indicated.

FISHING LICENSE NUMBER: Enter the number of any fishing license held by the vessel operator/captain, circle the name location which issued this license. If none, write "none".

Paperwork Reduction Act Information

Public reporting burden for this collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, California 90802.

This information is being collected to provide the information needed by NMFS to regulate and monitor the fisheries managed under the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region and to evaluate the effectiveness of management by assessing the status of stocks and the status of the fisheries. The information provides a basis for determining whether changes in management are needed to sustain the productivity of the stocks or to respond to interactions between fishing vessels and protected species and to address economic problems in the fishery. The information is also used to provide a basis for evaluating the magnitude and distribution of impacts resulting from changes to the regulations. Responses to the collection are required to obtain the benefit of the PRIA pelagic troll and handline fishery involved (ref. 50 CFR 660.14). Data provided concerning the vessel and/or business of the respondents are handled as confidential under the Magnuson-Stevens Fishery Conservation and Management Act (Sec.402(b)). Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

# WESTERN PACIFIC PELAGIC FISHERIES

## DAILY LONGLINE FISHING LOGBOOK

NAME OF VESSEL \_\_\_\_\_

PERMIT NUMBER \_\_\_\_\_

### Paperwork Reduction Act Information

Public reporting burden for this collection is estimated at 5.5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, California 90802.

This information is being collected to ensure accurate and timely records about the fishing activity of persons licensed to participate in fisheries under Federal regulations in the Western Pacific Region. This will enable the National Marine Fisheries Service and the Western Pacific Fishery Management Council to (a) determine how those persons would be affected by changes in management; (b) ensure that they are informed about prospective changes in fishery regulations and the analysis of estimated impacts; and (c) determine whether the objectives of the fishery program are being achieved by monitoring the fishery and evaluating the impacts on stocks and the fishery participants and related businesses. Responses to the collection are required to obtain the benefit of a license for the fishery involved (ref. 50 CFR 660.13). Data provided concerning the activities and business of the respondents are handled as confidential under the Magnuson-Stevens Fishery Conservation and Management Act (Sec. 402(b)). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

# NMFS WESTERN PACIFIC POSITION DAILY LONGLINE FISHING LOG

No. \_\_\_\_\_

VESSEL \_\_\_\_\_ PERMIT NUMBER \_\_\_\_\_

Date of Departure from Port: \_\_\_\_/\_\_\_\_/\_\_\_\_ Port: \_\_\_\_\_

Date of Return to Port: \_\_\_\_/\_\_\_\_/\_\_\_\_ Port: \_\_\_\_\_

## SET INFORMATION

Observer on Board: [ ]

### NMFS USE ONLY

HL Trip Type: \_\_\_\_\_

HL Trip No.: \_\_\_\_\_

DATE OF SET: \_\_\_\_/\_\_\_\_/\_\_\_\_ Target species: [ ]Tuna [ ]Sword [ ]Tuna/Sword/Other

Number of Hooks Set \_\_\_\_\_ hooks Length of Mainline Set \_\_\_\_\_ miles Bait Type \_\_\_\_\_

Hooks per Float \_\_\_\_\_ Number of Lightsticks \_\_\_\_\_

BEGIN SET Time: \_\_\_\_:\_\_\_\_:\_\_\_\_ Position: \_\_\_\_\_° N/S Latitude; \_\_\_\_\_° E/W Longitude

END SET Time: \_\_\_\_:\_\_\_\_:\_\_\_\_ Position: \_\_\_\_\_° N/S Latitude; \_\_\_\_\_° E/W Longitude

## HAUL INFORMATION

DATE OF HAUL: \_\_\_\_/\_\_\_\_/\_\_\_\_

BEGIN HAUL Time: \_\_\_\_:\_\_\_\_:\_\_\_\_ Position: \_\_\_\_\_° N/S Latitude; \_\_\_\_\_° E/W Longitude

END HAUL Time: \_\_\_\_:\_\_\_\_:\_\_\_\_ Position: \_\_\_\_\_° N/S Latitude; \_\_\_\_\_° E/W Longitude

Number of Hooks Lost: \_\_\_\_\_ hooks

PELAGIC SPECIES			PROTECTED SPECIES			
	NUMBER OF FISH			NUMBER RELEASED		
	Kept	Released		Uninjured	Injured	Dead
<b>TUNAS:</b>			<b>SEALS:</b>			
Albacore ( <i>tonbo</i> )	15		Monk Seal	51		
Bigeye tuna	16		Sea Lions	72		
Yellowfin tuna	17		Other Seals			
Skipjack tuna ( <i>aku</i> )	22		<b>DOLPHINS:</b>			
Bluefin tuna	19		Bottlenose	70		
<b>BILLFISH:</b>			Spinner	71		
Blue marlin	1		Other dolphins			
Striped marlin ( <i>nairagi</i> )	2		<b>WHALES:</b>			
Sailfish	4		Humpback	66		
Spearfish ( <i>hebi</i> )	5		False Killer	52		
Swordfish ( <i>broadbill</i> )	6		Other whales			
Other marlin (specify):			<b>TURTLES:</b>			
<b>OTHER PELAGICS:</b>			Green	53		
Mahimahi	11		Leatherback	54		
Moonfish ( <i>opah</i> )	12		Loggerhead	60		
Wahoo ( <i>ono</i> )	13		Olive ridley	59		
Oilfish ( <i>walu</i> )	20		Hawksbill	64		
Pomfret ( <i>monchong</i> )	21		Unidentified hardshell	65		
Other pelagics (specify):			<b>BIRDS:</b>			
<b>SHARKS:</b>			Black-foot Albatross	73		
Blue shark	7		Laysan Albatross	74		
Mako shark	8		Short-tailed Albatross	75		
Thresher shark	9		Other birds (specify):			
Oceanic white-tip shark	24					
Other Shark (specify):						

I certify that the above information is complete and true to the best of my knowledge:

VESSEL CAPTAIN/OPERATOR: Print name: \_\_\_\_\_

CML: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## TRANSSHIPMENT LOGBOOK

Paperwork Reduction Act Information

PUBLIC REPORTING BURDEN FOR THIS COLLECTION IS ESTIMATED AT 5 MINUTES PER RESPONSE, INCLUDING THE TIME FOR REVIEWING INSTRUCTIONS, SEARCHING EXISTING DATA SOURCES, GATHERING AND MAINTAINING THE DATA NEEDED, AND COMPLETING AND REVIEWING THE COLLECTION OF INFORMATION. SEND COMMENTS REGARDING THIS BURDEN ESTIMATE OR ANY OTHER ASPECT OF THIS COLLECTION OF INFORMATION, INCLUDING SUGGESTIONS FOR REDUCING THIS BURDEN, TO REGIONAL ADMINISTRATOR, SOUTHWEST REGION, NMFS, 501 W. OCEAN BOULEVARD, SUITE 4200, LONG BEACH, CALIFORNIA 90802.

This information is being collected to ensure accurate and timely records about the fishing activity of persons licensed to participate in fisheries under Federal regulations in the Western Pacific Region. This will enable the National Marine Fisheries Service and the Western Pacific Fishery Management Council to (a) determine how those persons would be affected by changes in management; (b) ensure that they are informed about prospective changes in fishery regulations and the analysis of estimated impacts; and (c) determine whether the objectives of the fishery program are being achieved by monitoring the fishery and evaluating the impacts on stocks and the fishery participants and related businesses. Responses to the collection are required to obtain the benefit of a license for the fishery involved (ref. 50 CFR 660.13). Data provided concerning the activities and business of the respondents are handled as confidential under the Magnuson-Stevens Fishery Conservation and Management Act (Sec. 402(b)). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

O.M.B Number: 0648-0214

Expires:

NMFS TRANSSHIPMENT LOG REPORT FOR PELAGIC MANAGEMENT UNIT SPECIES  
Western Pacific Region

VESSEL \_\_\_\_\_ PERMIT NO. \_\_\_\_\_ DATE \_\_\_\_/\_\_\_\_/\_\_\_\_  
(vessel receiving fish) (date fish received)

BROKER or SHIPPING AGENT \_\_\_\_\_

VESSEL _____		RADIO CALL SIGN _____	
(vessel offloading fish)			
<del>Number of days vessel fished</del> <del>Average No. of hooks fished per day</del> Number of days vessel fished _____ Average No. of hooks fished per day _____			
General area of catch (✓)    ( ) North Pacific 180° - 90° E. ( ) North Pacific 90°W - 180° ( ) South Pacific 180° - 90° E. ( ) South Pacific 90°W - 180°			
SPECIES	NUMBER RECEIVED	TOTAL WEIGHT (POUNDS) RECEIVED	
BLUE MARLIN			
STRIPED MARLIN			
BLACK MARLIN			
SAILFISH			
SPEARFISH			
SWORDFISH			
MAHIMAH			
Wahoo			
MOONFISH			
BLUE SHARK			
MAKO SHARK			
THRESHER SHARK			
SHARK FINS			
ALBACORE TUNA			
BIG EYE TUNA			
YELLOWFIN TUNA			
Other TUNA			

PRINT NAME \_\_\_\_\_ SIGNATURE \_\_\_\_\_  
(Vessel captain/operator)

DATE     /    /     Submit this report to the National Marine Fisheries Service within 72 hrs following the date the vessel arrived in port to land transshipped fish.

National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
U.S. Department of Commerce

WESTERN PACIFIC CRUSTACEAN FISHERIES

DAILY LOBSTER CATCH REPORT

NAME OF VESSEL \_\_\_\_\_

PERMIT NUMBER \_\_\_\_\_

PAPERWORK REDUCTION ACT INFORMATION

PUBLIC REPORTING BURDEN FOR THIS COLLECTION IS ESTIMATED AT 5 MINUTES PER RESPONSE, INCLUDING THE TIME FOR REVIEWING INSTRUCTIONS, SEARCHING EXISTING DATA SOURCES, GATHERING AND MAINTAINING THE DATA NEEDED, AND COMPLETING AND REVIEWING THE COLLECTION OF INFORMATION. SEND COMMENTS REGARDING THIS BURDEN ESTIMATE OR ANY OTHER ASPECT OF THIS COLLECTION OF INFORMATION, INCLUDING SUGGESTIONS FOR REDUCING THIS BURDEN, TO REGIONAL ADMINISTRATOR, SOUTHWEST REGION, NMFS, 501 W. OCEAN BOULEVARD, SUITE 4200, LONG BEACH, CALIFORNIA 90802.

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OMB NUMBER: 0648-0214

Expiration Date:



## DAILY LOBSTER CATCH REPORT

- > NAME OF VESSEL \_\_\_\_\_ LOBSTER PERMIT NUMBER \_\_\_\_\_  
 > SIZE OF CREW \_\_\_\_\_  
 > BANK FISHED (only one bank per page, please) \_\_\_\_\_  
 Statistical Area: \_\_\_\_\_ SubAreas: A B C D E F G H I  
 Statistical Area: \_\_\_\_\_ SubAreas: A B C D E F G H I  
 Statistical Area: \_\_\_\_\_ SubAreas: A B C D E F G H I  
 Statistical Area: \_\_\_\_\_ SubAreas: A B C D E F G H I  
 > Wave Height: \_\_\_\_\_ Sea Surface Temperature: \_\_\_\_\_ °F (if taken) Wind Speed: \_\_\_\_\_ (knots)  
 > DATE GEAR SET \_\_\_\_/\_\_\_\_/\_\_\_\_ TIME BEGIN SET \_\_\_\_\_ # TRAPS SET \_\_\_\_\_  
 > DATE GEAR HAULED \_\_\_\_/\_\_\_\_/\_\_\_\_ TIME END OF HAUL \_\_\_\_\_ # TRAPS HAULED \_\_\_\_\_  
 # TRAPS LOST \_\_\_\_\_

SPECIES	NUMBER KEPT		NUMBER DISCARDED	
	NON-BERRIED	BERRIED	NON-BERRIED	BERRIED
RED SPINY LOBSTER 6486060101				
SLIPPER LOBSTER 6486070201				
Ridge Back Slipper 6486070202				
Green Spiny Lobster 6486060102				
Kona Crab 6488010101				
Octopus 7074080000				
Others: (specify)				

## PROTECTED SPECIES OBSERVATIONS

(Enter seal & turtle numbers; identify other in appropriate box)	Monk Seal	Turtle	Other
Observed in area			
Observed in vicinity of gear			
Interfering with fishing operations			
Preying on released lobsters			
Entangled and released alive			
Entangled and released dead			

Logged by Vessel Captain

&gt; PRINT NAME: \_\_\_\_\_ SIGNATURE \_\_\_\_\_

&gt; DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

# WESTERN PACIFIC CRUSTACEAN FISHERIES

## LOBSTER SALES REPORT

NAME OF VESSEL \_\_\_\_\_

PERMIT NUMBER \_\_\_\_\_

### PAPERWORK REDUCTION ACT INFORMATION

PUBLIC REPORTING BURDEN FOR THIS COLLECTION IS ESTIMATED AT 5 MINUTES PER RESPONSE, INCLUDING THE TIME FOR REVIEWING INSTRUCTIONS, SEARCHING EXISTING DATA SOURCES, GATHERING AND MAINTAINING THE DATA NEEDED, AND COMPLETING AND REVIEWING THE COLLECTION OF INFORMATION. SEND COMMENTS REGARDING THIS BURDEN ESTIMATE OR ANY OTHER ASPECT OF THIS COLLECTION OF INFORMATION, INCLUDING SUGGESTIONS FOR REDUCING THIS BURDEN, TO REGIONAL ADMINISTRATOR, SOUTHWEST REGION, NMFS, 501 W. OCEAN BOULEVARD, SUITE 4200, LONG BEACH, CALIFORNIA 90802.

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OMB NUMBER: 0648-0214

Expiration Date:

National Marine Fisheries Service  
WESTERN PACIFIC LOBSTER SALES REPORT

VESSEL \_\_\_\_\_ PERMIT NUMBER \_\_\_\_\_

NAME OF FIRST-LEVEL BUYER \_\_\_\_\_  
(Please file a separate report for each buyer)

Business Address \_\_\_\_\_  
Address and Street Name  
\_\_\_\_\_  
City State

Telephone Number \_\_\_\_\_

ALL Lobsters off-loaded to this buyer (Check appropriate box): Yes No

DATE LOBSTERS OFF- LOADED \_\_\_\_\_ PORT OF LANDING \_\_\_\_\_

SALES INFORMATION

	FROZEN TAILS		LIVE		FROZEN WHOLE	
	SOLD (circle one) No. or Wt - lb	NOT SOLD (circle one) No. or Wt -lb	SOLD (circle one) No. or Wt - lb	NOT SOLD (circle one) No. or Wt - lb	SOLD (circle one) No. or Wt (lb)	NOT SOLD (circle one) No. or Wt (lb)
SPINY LOBSTER						
SLIPPER LOBSTER						
OCTOPUS	DO NOT WRITE IN THIS SPACE					
OTHER FISHERY PRODUCTS			Specify:	Specify:	Specify:	Specify:

PACKING/WEIGHOUT SLIPS ARE ATTACHED TO THIS REPORT: [ ] Yes [ ] No

I certify that the above information is complete and true to the best of my knowledge

VESSEL CAPTAIN/OPERATOR: Print Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

O.M.B Number: 0648-0214  
Expires: 09/30/2003

## **WESTERN PACIFIC DAILY PRECIOUS CORAL HARVESTING LOG & SALES REPORT**

### **Paperwork Reduction Act Information**

Public reporting burden for this collection is estimated to as 7 minutes (log) to 5 minutes (sales report) per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, California 90802.

This information is being collected to ensure accurate and timely records about the fishing activity of persons licensed to participate in fisheries under Federal regulations in the Western Pacific Region. This will enable the National Marine Fisheries Service and the Western Pacific Fishery Management Council to (a) determine how those persons would be affected by changes in management; (b) ensure that they are informed about prospective changes in fishery regulations and the analysis of estimated impacts; and (c) determine whether the objectives of the fishery program are being achieved by monitoring the fishery and evaluating the impacts on stocks and the fishery participants and related businesses. Responses to the collection are required to obtain the benefit of a license for the fishery involved (ref. 50 CFR 660.13). Data provided concerning the activities and business of the respondents are handled as confidential under the Magnuson-Stevens Fishery Conservation and Management Act (Sec. 402(b)). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

## WESTERN PACIFIC DAILY PRECIOUS CORAL HARVESTING LOG

Logsheet Serial No. \_\_\_\_\_

VESSEL \_\_\_\_\_

PERMIT NUMBER \_\_\_\_\_

**Fishing Effort Information**

DATE OF HARVEST: \_\_\_\_/\_\_\_\_/\_\_\_\_

Area Fished: \_\_\_\_\_

Begin Harvest Time: \_\_\_\_ AM/PM Position: \_\_\_\_° \_\_\_\_' N/S Latitude; \_\_\_\_° \_\_\_\_' E/W Longitude

End Harvest Time: \_\_\_\_ AM/PM Position: \_\_\_\_° \_\_\_\_' N/S Latitude; \_\_\_\_° \_\_\_\_' E/W Longitude

Depth of Water: \_\_\_\_\_ to \_\_\_\_\_ fathoms / meters

Number of Dives \_\_\_\_\_

Number of Hours Fished (bottom time): \_\_\_\_\_

	SPECIES	WEIGHT HARVESTED to 1/10 Kilogram or Pound	
PINK	Corallium secundum		Kg / Pnd
	Corallium regale		Kg / Pnd
	Corallium laauense		Kg / Pnd
GOLD	Gerardia sp.		Kg / Pnd
	Callogorgia gilberti		Kg / Pnd
	Calyptrophora sp.		Kg / Pnd
BAMBOO	Lepidisis olapa		Kg / Pnd
	Acanella sp.		Kg / Pnd
OTHER (Specify)			

Comments (current, bottom type, bottom topography, bottom slope, etc.):

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LOGGED BY: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature: \_\_\_\_\_

State CML Number: \_\_\_\_\_

\\pcoralog1

## National Marine Fisheries Service

## PRECIOUS CORAL SALES REPORT

Vessel: \_\_\_\_\_

Permit Number: \_\_\_\_\_

Date of Landing: \_\_\_\_/\_\_\_\_/\_\_\_\_

Port of Landing: \_\_\_\_\_

Please fill out one Sales report for each sale.

NAME OF BUYER: \_\_\_\_\_

Address of Buyer: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

DATE OF SALE: \_\_\_\_\_

SPECIES		WEIGHT SOLD Specify Kilograms or Pounds*		REVENUE
		Kgs.	Lbs	
PINK CORAL	Corallium secundum			
	Corralium regale			
	Corralium laauense			
GOLD CORAL	Gerardia sp.			
	Callogorgia gilberti			
	Narella sp.			
	Calyptrophora sp.			
BAMBOO	Lepidisis olapa			
	Acanella sp.			
OTHER Specify				

Logged by [Name]: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Circle whether Kgs or Lbs (please use same measurement for all species)

## § 660.14

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on the Southwest Region Federal Fisheries application form. A completed application is one that contains all the necessary information, attachments, certifications, signatures, and fees required.

(2) A minimum of 15 days should be allowed for processing a permit application. If an incomplete or improperly completed application is filed, the applicant will be sent a notice of deficiency. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application will be considered abandoned.

(d) *Change in application information.* A minimum of 10 days should be given for the Pacific Area Office to record any change in information from the permit application submitted under paragraph (c) of this section. Failure to report such changes may result in invalidation of the permit.

(e) *Issuance.* After receiving a complete application, the FMD will issue a permit to an applicant who is eligible under § 660.21, § 660.41, § 660.61, or § 660.81, as appropriate.

(f) *Fees.* (1) PIAO will not charge a fee for a permit issued under subpart D or F of this part, or for a Ho'omalū Zone limited access permit issued under § 660.61.

(2) PIAO will charge a fee for each application for a Hawaii longline limited access permit (including permit transfers and permit renewals) and Mau Zone limited access permit (including permit renewals). The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the Regional Administrator, for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application. Failure to pay the fee will preclude issuance of a Hawaii longline or Mau Zone limited access permit.

(g) *Expiration.* (1) Permits issued under subparts C, D, and F of this part are valid for the period specified on the permit unless transferred, revoked, suspended, or modified under 15 CFR part 904.

(2) Permits issued under subpart E of this part expire at 2400 local time on December 31.

(h) *Replacement.* Replacement permits may be issued, without charge, to replace lost or mutilated permits. An application for a replacement permit is not considered a new application.

(i) *Transfer.* An application for a permit transfer under §§ 660.21(h), 660.41(e), or 660.61(e), or for registration of a permit for use with a replacement vessel under § 660.61(k), must be submitted to the PIAO as described in paragraph (c) of this section.

(j) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(k) *Display.* Any permit issued under this subpart, or a facsimile of the permit, must be on board the vessel at all times while the vessel is fishing for, taking, retaining, possessing, or landing management unit species shoreward of the outer boundary of the fishery management area. Any permit issued under this section must be displayed for inspection upon request of an authorized officer.

(l) *Sanctions.* Procedures governing sanctions and denials are found at subpart D of 15 CFR part 904.

(m) *Permit appeals.* Procedures for appeals of permit and administrative actions are specified in the relevant subparts of this part.

[61 FR 34572, July 2, 1996, as amended at 64 FR 22812, Apr. 28, 1999]

### § 660.14 Reporting and recordkeeping.

(a) *Fishing record forms.* The operator of any fishing vessel subject to the requirements of §§ 660.21, 660.41, or 660.81 must maintain on board the vessel an accurate and complete record of catch, effort, and other data on report forms provided by the Regional Director. All information specified on the forms must be recorded on the forms within 24 hours after the completion of each fishing day. The original logbook form for each day of the fishing trip must be submitted to the Regional Director within 72 hours of each landing of management unit species. Each form must be signed and dated by the fishing vessel operator.

(b) *Transshipment logbooks.* Any person subject to the requirements of

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§ 660.21(c) must maintain on board the vessel an accurate and complete NMFS transshipment logbook containing report forms provided by the Regional Director. All information specified on the forms must be recorded on the forms within 24 hours of the day of transshipment. The original logbook form for each day of transshipment activity must be submitted to the Regional Director within 72 hours of each landing of management unit species. Each form must be signed and dated by the receiving vessel operator.

(c) *Sales report.* The operator of any fishing vessel subject to the requirements of § 660.41 must submit to the Regional Director, within 72 hours of offloading of crustaceans management unit species, an accurate and complete sales report on a form provided by the Regional Director. The form must be signed and dated by the fishing vessel operator.

(d) *Packing or weigh-out slips.* The operator of any fishing vessel subject to the requirements of § 660.41 must attach packing or weighout slips provided to the operator by the first-level buyer(s), unless the packing or weighout slips have not been provided in time by the buyer(s).

(e) *Modification of reporting and recordkeeping requirements.* The Regional Director may, after consultation with the Council, initiate rulemaking to modify the information to be provided on the fishing record forms, transshipment logbook, and sales report forms and timeliness by which the information is to be provided, including the submission of packing or weighout slips.

(f) *Availability of records for inspection.*

(1) *Pacific pelagic management unit species.* Upon request, any fish dealer must immediately provide an authorized officer access for inspecting and copying all records of purchases, sales, or other transactions involving Pacific pelagic management unit species taken or handled by longline vessels that have permits issued under this subpart or that are otherwise subject to subpart C of this part, including, but not limited to, information concerning:

(i) The name of the vessel involved in each transaction and the owner or operator of the vessel.

(ii) The weight, number, and size of each species of fish involved in each transaction.

(iii) Prices paid by the buyer and proceeds to the seller in each transaction.

(2) *Crustaceans management unit species.* Upon request, any first-level buyer must immediately allow an authorized officer and any employee of NMFS designated by the Regional Director, to access, inspect, and copy all records relating to the harvest, sale, or transfer of crustacean management unit species taken by vessels that have permits issued under this subpart or that are otherwise subject to subpart D of this part. This requirement may be met by furnishing the information on a worksheet provided by the Regional Director. The information must include, but is not limited to:

(i) The name of the vessel involved in each transaction and the owner or operator of the vessel.

(ii) The amount, number, and size of each management unit species involved in each transaction.

(iii) Prices paid by the buyer and proceeds to the seller in each transaction.

(3) *Bottomfish and seamount groundfish management unit species.* Any person who is required by state laws and regulations to maintain records of landings and sales for vessels regulated by this subpart and subpart E of this part must make those records immediately available for Federal inspection and copying upon request by an authorized officer.

(g) *State reporting.* Any person who has a permit under §§ 660.21 or 660.61 and who is required by state laws and regulations to maintain and submit records of landings and sales for vessels regulated by subparts C and E of this part must maintain and submit those records in the exact manner required by state laws and regulations.

[61 FR 34572, July 2, 1996, as amended at 62 FR 27524, May 20, 1997]

EFFECTIVE DATE NOTE: At 67 FR 56501, Sept. 4, 2002, § 660.14 was amended by revising paragraph (a), effective Oct. 4, 2002. For the convenience of the user the revised text follows:

### § 660.14 Reporting and recordkeeping.

(a) *Fishing record forms.* The operator of any fishing vessel subject to the requirements of § 660.21, § 660.41, or § 660.81 must maintain on board the vessel an accurate



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and complete record of catch, effort, and other data on report forms provided by the Regional Administrator. All information specified on the forms must be recorded on the forms within 24 hours after the completion of each fishing day. The original logbook form for each day of the fishing trip must be submitted to the Regional Administrator as required by this paragraph (a). Each form must be signed and dated by the fishing vessel operator.

(1) The operator of any vessel subject to the requirements of § 660.21(a) through (c), § 660.41, or § 660.81 must submit the original logbook form for each day of the fishing trip to the Regional Administrator within 72 hours of each landing of management unit species.

(2) Except for a vessel that is fishing in the U.S. EEZ around Midway Atoll as specified in paragraph (a)(3) of this section, any operator whose vessel is registered for use with a PRIA pelagic troll and handline fishing permit under § 660.21(d) must submit the original logbook form for each day of fishing within the U.S. EEZ around the PRIA to the Regional Administrator within 10 days of each landing of management unit species.

(3) The operator of a vessel fishing in the U.S. EEZ around Midway Atoll and registered for use with a PRIA pelagic troll and handline fishing permit under § 660.21(d) must submit an appropriate reporting form as required and in a manner specified by the U.S. Fish and Wildlife Service for each day of fishing within the U.S. EEZ around Midway Atoll, which is defined as an area of the Pacific Ocean bounded on the east by 177°10' W. long., on the west by 177°30' W. long., on the north by 28°25' N. lat., and on the south by 28°05' N. lat.

\* \* \* \* \*

### § 660.15 Prohibitions.

In addition to the prohibitions in § 600.725 of this chapter, it is unlawful for any person to:

(a) Engage in fishing without a valid permit or facsimile of a valid permit on board the vessel and available for inspection by an authorized officer, when a permit is required under § 660.13 or § 660.17, unless the vessel was at sea when the permit was issued under § 660.13, in which case the permit must be on board the vessel before its next trip.

(b) File false information on any application for a fishing permit under § 660.13 or an EFP under § 660.17.

(c) Fail to file reports in the exact manner required by any state law or regulation, as required in § 660.14.

(d) Falsify or fail to make, keep, maintain, or submit any logbook or logbook form or other record or report required under §§ 660.14 and 660.17.

(e) Refuse to make available to an authorized officer or a designee of the Regional Director for inspection or copying, any records that must be made available in accordance with § 660.14.

(f) Fail to affix or maintain vessel or gear markings, as required by §§ 660.16, 660.24, and 660.47.

(g) Violate a term or condition of an EFP issued under § 660.17.

(h) Fail to report any take of or interaction with protected species as required by § 660.17(k).

(i) Fish without an observer on board the vessel after the owner or agent of the owner has been directed by NMFS to make accommodations available for an observer under §§ 660.17, 660.28, 660.49, or 660.65.

(j) Refuse to make accommodations available for an observer when so directed by the Regional Director under § 660.28, § 660.49, or § 660.65, or under any provision in an EFP issued under § 660.17.

(k) Fail to notify officials as required in §§ 660.23, 660.28, 660.43, and 660.63.

### § 660.16 Vessel identification.

(a) Each fishing vessel subject to this subpart must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck, so as to be visible from enforcement vessels and aircraft.

(b) The official number must be affixed to each vessel subject to this subpart and subparts C, D, E, and F of this part, in block Arabic numerals at least 18 inches (45.7 cm) in height for fishing and receiving vessels of 65 ft (19.8 m) LOA or longer, and at least 10 inches (25.4 cm) in height for all other vessels, except vessels subject to Subpart F and 65 ft (19.8 m) LOA or longer must be marked in block Arabic numerals at least 14 inches (35.6 cm) in height. Marking must be legible and of a color that contrasts with the background.

(c) The vessel operator must ensure that the official number is clearly legible and in good repair.

(d) The vessel operator must ensure that no part of the vessel, its rigging,

or its fishing gear obstructs the view of the official number from an enforcement vessel or aircraft.

**§ 660.17 Experimental fishing.**

(a) *General.* The Regional Director may authorize, for limited purposes, the direct or incidental harvest of management unit species that would otherwise be prohibited by this subpart and subparts C, D, E, and F of this part. No experimental fishing may be conducted unless authorized by an EFP issued by the Regional Director in accordance with the criteria and procedures specified in this section. EFPs will be issued without charge.

(b) *Observers.* No experimental fishing for crustacean management unit species may be conducted unless an NMFS scientific observer is aboard the vessel.

(c) *Application.* An applicant for an EFP must submit to the Regional Director at least 60 days before the desired date of the EFP a written application including, but not limited to, the following information:

- (1) The date of the application.
- (2) The applicant's name, mailing address, and telephone number.
- (3) A statement of the purposes and goals of the experiment for which an EFP is needed, including a general description of the arrangements for disposition of all species harvested under the EFP.
- (4) A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals.
- (5) For each vessel to be covered by the EFP:
  - (i) Vessel name.
  - (ii) Name, address, and telephone number of owner and operator.
  - (iii) USCG documentation, state license, or registration number.
  - (iv) Home port.
  - (v) Length of vessel.
  - (vi) Net tonnage.
  - (vii) Gross tonnage.
- (6) A description of the species (directed and incidental) to be harvested under the EFP and the amount of such harvest necessary to conduct the experiment.
- (7) For each vessel covered by the EFP, the approximate times and places

fishing will take place, and the type, size, and amount of gear to be used.

(8) The signature of the applicant.

(d) *Incomplete applications.* The Regional Director may request from an applicant additional information necessary to make the determinations required under this section. An applicant will be notified of an incomplete application within 10 working days of receipt of the application. An incomplete application will not be considered until corrected in writing.

(e) *Issuance.* (1) If an application contains all of the required information, NMFS will publish a notice of receipt of the application in the FEDERAL REGISTER with a brief description of the proposal and will give interested persons an opportunity to comment. The Regional Director will also forward copies of the application to the Council, the USCG, and the fishery management agency of the affected state, accompanied by the following information:

- (i) The current utilization of domestic annual harvesting and processing capacity (including existing experimental harvesting, if any) of the directed and incidental species for which an EFP is being requested.
- (ii) A citation of the regulation or regulations that, without the EFP, would prohibit the proposed activity.
- (iii) Biological information relevant to the proposal.

(2) At a Council meeting following receipt of a complete application, the Regional Director will consult with the Council and the Director of the affected state fishery management agency concerning the permit application. The applicant will be notified in advance of the meeting at which the application will be considered, and invited to appear in support of the application, if the applicant desires.

(3) Within 5 working days after the consultation in paragraph (e)(2) of this section, or as soon as practicable thereafter, NMFS will notify the applicant in writing of the decision to grant or deny the EFP and, if denied, the reasons for the denial. Grounds for denial of an EFP include, but are not limited to, the following:

- (i) The applicant has failed to disclose material information required, or

## § 660.21

has made false statements as to any material fact, in connection with his or her application.

(ii) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect any species of fish in a significant way.

(iii) Issuance of the EFP would inequitably allocate fishing privileges among domestic fishermen or would have economic allocation as its sole purpose.

(iv) Activities to be conducted under the EFP would be inconsistent with the intent of this section or the management objectives of the FMP.

(v) The applicant has failed to demonstrate a valid justification for the permit.

(vi) The activity proposed under the EFP would create a significant enforcement problem.

(4) The decision to grant or deny an EFP is final and unappealable. If the permit is granted, NMFS will publish a notice in the FEDERAL REGISTER describing the experimental fishing to be conducted under the EFP. The Regional Director may attach terms and conditions to the EFP consistent with the purpose of the experiment including, but not limited to:

(i) The maximum amount of each species that can be harvested and landed during the term of the EFP, including trip limits, where appropriate.

(ii) The number, sizes, names, and identification numbers of the vessels authorized to conduct fishing activities under the EFP.

(iii) The times and places where experimental fishing may be conducted.

(iv) The type, size, and amount of gear which may be used by each vessel operated under the EFP.

(v) The condition that observers be carried aboard vessels operating under an EFP.

(vi) Data reporting requirements.

(vii) Such other conditions as may be necessary to assure compliance with the purposes of the EFP consistent with the objectives of the FMP.

(f) *Duration.* Unless otherwise specified in the EFP or a superseding notice or regulation, an EFP is effective for no longer than 1 year, unless revoked, suspended, or modified. EFPs may be

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renewed following the application procedures in this section.

(g) *Alteration.* Any EFP that has been altered, erased, or mutilated is invalid.

(h) *Transfer.* EFPs issued under subparts B through F of this part are not transferable or assignable. An EFP is valid only for the vessel(s) for which it is issued.

(i) *Inspection.* Any EFP issued under subparts B through F of this part must be carried aboard the vessel(s) for which it was issued. The EFP must be presented for inspection upon request of any authorized officer.

(j) *Sanctions.* Failure of the holder of an EFP to comply with the terms and conditions of an EFP, the provisions of subparts A through F of this part, any other applicable provision of this part, the Magnuson Act, or any other regulation promulgated thereunder, is grounds for revocation, suspension, or modification of the EFP with respect to all persons and vessels conducting activities under the EFP. Any action taken to revoke, suspend, or modify an EFP will be governed by 15 CFR part 904 subpart D. Other sanctions available under the statute will be applicable.

(k) *Protected species.* Persons fishing under an EFP must report any incidental take or fisheries interaction with protected species on a form provided for that purpose. Reports must be submitted to the Regional Director within 3 days of arriving in port.

### Subpart C—Western Pacific Pelagic Fisheries

#### § 660.21 Permits.

(a) A fishing vessel of the United States must be registered for use under a Hawaii longline limited access permit or a longline general permit if that vessel is used:

(1) To fish for Pacific pelagic management unit species using longline gear in the EEZ around American Samoa, Guam, the Northern Mariana Islands, or other U.S. island possessions in the Pacific Ocean; or

(2) To land or transship, shoreward of the outer boundary of the EEZ around American Samoa, Guam, the Northern Mariana Islands, or other U.S. island

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Commonwealth of the Northern Mariana Islands, Midway, Johnston or Palmyra Atolls, Kingman Reef, and Wake, Jarvis, Baker, or Howland Islands, Pacific pelagic management unit species that were harvested from closed areas with longline gear in violation of § 660.33(e).

(rr) Possess a light stick on board a vessel registered for use under either a Hawaii longline limited access permit or a longline general permit, on fishing trips that include any fishing north of the equator (0° lat.) in violation of § 660.33(f).

(ss) Possess or land more than 10 swordfish on board a vessel registered for use under either a Hawaii longline limited access permit or a longline general permit, from a fishing trip where any part of the trip included fishing north of the equator (0° lat.) in violation of § 660.33(h).

(tt) Operate a vessel registered for use under a Hawaii longline limited access permit or a longline general permit to fish for Pacific pelagic management unit species without having on-board a valid protected species workshop certificate issued by NMFS or a legible copy thereof in violation of § 660.36(c).

(uu) Use a large vessel to fish for Pacific pelagic management unit species within an American Samoa large vessel prohibited area except as allowed pursuant to an exemption issued under § 660.38.

[61 FR 34572, July 2, 1996, as amended at 65 FR 16347, Mar. 28, 2000; 67 FR 4371, Jan. 30, 2002; 67 FR 34412, May 14, 2002; 67 FR 40235 June 12, 2002]

EFFECTIVE DATE NOTE: At 67 FR 56502, Sept. 4, 2002, § 660.22 was amended by revising the phrase “U.S. possessions in the Pacific Ocean area” to read “U.S. island possessions in the Pacific Ocean” each place that it appears; paragraph (i) was revised; and new paragraph (vv) was added, effective Oct. 4, 2002. For the convenience of the user, the revised text follows:

### § 660.22 Prohibitions.

\* \* \* \* \*

(i) Fish with longline gear within a longline fishing prohibited area, except as al-

lowed pursuant to an exemption issued under § 660.17 or § 660.27.

\* \* \* \* \*

(vv) Use a U.S. vessel employing pelagic handline or trolling methods to fish in the U.S. EEZ around the PRIA without a valid PRIA pelagic troll and handline fishing permit registered for use with that vessel.

### § 660.23 Notifications.

(a) The permit holder for a fishing vessel subject to the requirements of this subpart, or an agent designated by the permit holder, shall provide a notice to the Regional Director at least 72 hours (not including weekends and Federal holidays) before the vessel leaves port on a fishing trip, any part of which occurs in the EEZ around Hawaii. The vessel operator will be presumed to be an agent designated by the permit holder unless the Regional Director is otherwise notified by the permit holder. The notice must be provided to the office or telephone number designated by the Regional Director. The notice must provide the official number of the vessel, the name of the vessel, the intended departure date, time, and location, the name of the operator of the vessel, and the name and telephone number of the agent designated by the permit holder to be available between 8:00 a.m. to 5 p.m. (Hawaii time) on weekdays for NMFS to contact to arrange observer placement.

(b) The operator of any vessel subject to the requirements of this subpart who does not have on board a VMS unit while transiting the protected species zone as defined in § 660.12, must notify the NMFS Southwest Enforcement Office (see part 600 for address of Regional Director) immediately upon entering and immediately upon departing the protected species zone. The notification must include the name of the vessel, name of the operator, date and time (GMT) of access or exit from the protected species zone, and location by latitude and longitude to the nearest minute.

### § 660.24 Gear identification.

(a) *Identification.* The operator of each permitted vessel in the fishery management area must ensure that the

## § 660.25

official number of the vessel be affixed to every longline buoy and float, including each buoy and float that is attached to a radar reflector, radio antenna, or flag marker, whether attached to a deployed longline or possessed on board the vessel. Markings must be legible and permanent, and must be of a color that contrasts with the background material.

(b) *Enforcement action.* Longline gear not marked in compliance with paragraph (a) of this section and found deployed in the EEZ will be considered unclaimed or abandoned property, and may be disposed of in any manner considered appropriate by NMFS or an authorized officer.

## § 660.25 Vessel monitoring system.

(a) *VMS unit.* Only a VMS unit owned by NMFS and installed by NMFS complies with the requirement of this subpart.

(b) *Notification.* After a Hawaii longline limited access permit holder has been notified by the SAC of a specific date for installation of a VMS unit in the permit holder's vessel, the vessel must carry the VMS unit after the date scheduled for installation.

(c) *Fees and charges.* During the experimental VMS program, a Hawaii longline limited access permit holder shall not be assessed any fee or other charges to obtain and use a VMS unit, including the communication charges related directly to requirements under this section. Communication charges related to any additional equipment attached to the VMS unit by the owner or operator shall be the responsibility of the owner or operator and not NMFS.

(d) *Permit holder duties.* The holder of a Hawaii longline limited access permit and the master of the vessel operating under the permit must:

(1) Provide opportunity for the SAC to install and make operational a VMS unit after notification.

(2) Carry the VMS unit on board whenever the vessel is at sea.

(3) Not remove or relocate the VMS unit without prior approval from the SAC.

(e) *Authorization by the SAC.* The SAC has authority over the installation and operation of the VMS unit. The SAC

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may authorize the connection or order the disconnection of additional equipment, including a computer, to any VMS unit when deemed appropriate by the SAC.

## § 660.26 Longline fishing prohibited area management.

(a) *Prohibited areas.* Longline fishing shall be prohibited in the longline fishing prohibited areas as defined in paragraphs (b), (c), and (d) of this section.

(b) *Longline protected species zone.* The protected species zone is 50 nm from the center geographical positions of Nihoa Island, Necker Island, French Frigate Shoals, Gardner Pinnacles, Maro Reef, Laysan Island, Lisianski Island, Pearl and Hermes Reef, Midway Islands, and Kure Island, as defined in § 660.12.

(c) *Main Hawaiian Islands.* (1) From February 1 through September 30 each year, the longline fishing prohibited area around the main Hawaiian Islands is the portion of the EEZ seaward of Hawaii bounded by straight lines connecting the following coordinates in the order listed:

Point	N. lat.	DW. long.
A .....	18°05'	155°40'
B .....	18°20'	156°25'
C .....	20°00'	157°30'
D .....	20°40'	161°40'
E .....	21°40'	161°55'
F .....	23°00'	161°30'
G .....	23°05'	159°30'
H .....	22°55'	157°30'
I .....	21°30'	155°30'
J .....	19°50'	153°50'
K .....	19°00'	154°05'
A .....	18°05'	155°40'

(2) From October 1 through the following January 31 each year, the longline fishing prohibited area around the main Hawaiian Islands is the portion of the EEZ seaward of Hawaii bounded by straight lines connecting the following coordinates in the order listed:

Point	N. lat.	W. long.
A .....	18°05'	155°40'
L .....	18°25'	155°40'
M .....	19°00'	154°45'
N .....	19°15'	154°25'
O .....	19°40'	154°20'
P .....	20°20'	154°55'
Q .....	20°35'	155°30'
R .....	21°00'	155°35'
S .....	22°30'	157°35'
T .....	22°40'	159°35'

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Point	N. lat.	W. long.
U .....	22°25'	160°20'
V .....	21°55'	160°55'
W .....	21°40'	161°00'
E .....	21°40'	161°55'
D .....	20°40'	161°40'
C .....	20°00'	157°30'
B .....	18°20'	156°25'
A .....	18°05'	155°40'

(d) *Guam*. The longline fishing prohibited area around Guam is the waters seaward of Guam bounded by straight lines connecting the following coordinates in the order listed:

Point	N. lat.	E. long.
A .....	14°25'	144°00'
B .....	14°00'	143°38'
C .....	13°41'	144°33'30"
D .....	13°00'	143°25'30"
E .....	12°20'	143°37'
F .....	11°40'	144°09'
G .....	12°00'	145°00'
H .....	13°00'	145°42'
I .....	13°27'	145°51'

### § 660.27 Exemptions for longline fishing prohibited areas; procedures.

(a) An exemption permitting a person to use longline gear to fish in a portion(s) of the Hawaii longline fishing prohibited area will be issued to a person who can document that he or she:

(1) Currently owns a Hawaii longline limited access permit issued under this part and registered for use with his or her vessel.

(2) Before 1970, was the owner or operator of a vessel when that vessel landed Pacific pelagic management unit species taken on longline gear in an area that is now within the Hawaii longline fishing prohibited area.

(3) Was the owner or operator of a vessel that landed Pacific pelagic management unit species taken on longline gear in an area that is now within the Hawaii longline fishing prohibited area, in at least 5 calendar years after 1969, which need not be consecutive.

(4) In any one of the 5 calendar years, was the owner or operator of a vessel that harvested at least 80 percent of its total landings, by weight, of longline-caught Pacific pelagic management unit species in an area that is now in the Hawaii longline fishing prohibited area.

(b) Each exemption shall specify the portion(s) of the Hawaii longline fishing prohibited area, bounded by longi-

tudinal and latitudinal lines drawn to include each statistical area, as appearing on Hawaii State Commercial Fisheries Charts, in which the exemption holder made the harvest documented for the exemption application under paragraph (a)(4) of this section.

(c) Each exemption is valid only within the portion(s) of the Hawaii longline fishing prohibited area specified on the exemption.

(d) A person seeking an exemption under this section must submit an application and supporting documentation to the Pacific Area Office at least 15 days before the desired effective date of the exemption.

(e) If the Regional Director determines that a gear conflict has occurred and is likely to occur again in the Hawaii longline fishing prohibited area between a vessel used by a person holding an exemption under this section and a non-longline vessel, the Regional Director may prohibit all longline fishing in the Hawaii longline fishing prohibited area around the island where the conflict occurred, or in portions thereof, upon notice to each holder of an exemption who would be affected by such a prohibition.

(f) The Council will consider information provided by persons with Hawaii longline limited access permits issued under this part who believe they have experienced extreme financial hardship resulting from the Hawaii longline area closure, and will consider recommendations of the Pelagic Advisory Review Board to assess whether exemptions under this section should continue to be allowed, and, if appropriate, revise the qualifying criteria in paragraph (a) of this section to permit additional exemptions.

(1) If additional exemptions are needed, the Council will advise the Regional Director in writing of its recommendation, including criteria by which financial hardships will be mitigated, while retaining the effectiveness of the longline fishing prohibited area.

(2) Following a review of the Council's recommendation and supporting rationale, the Regional Director may:

(i) Reject the Council's recommendation, in which case written reasons will be provided by the Regional Director to the Council for the rejection; or



(ii) Concur with the Council's recommendation and, after finding that it is consistent with the goals and objectives of the Pelagics FMP, the national standards, and other applicable law, initiate rulemaking to implement the Council's recommendations.

**§ 660.28 Conditions for at-sea observer coverage.**

(a) NMFS shall advise the permit holder or the designated agent of any observer requirement at least 24 hours (not including weekends and Federal holidays) before any trip for which NMFS received timely notice in compliance with these regulations.

(b) The "Notice Prior to Fishing Trip" requirements in this subpart commit the permit holder to the representations in the notice. The notice can be modified by the permit holder or designated agent because of changed circumstance, if the Regional Director is promptly provided a modification to the notice that complies with the notice requirements. The notice will also be considered modified if the Regional Director and the permit holder or designated agent agree to placement changes.

(c) When NMFS notifies the permit holder or designated agent of the obligation to carry an observer in response to a notification under this subpart, or as a condition of an EFP issued under § 660.17, the vessel may not engage in the fishery without taking the observer.

(d) A NMFS observer shall arrive at the observer's assigned vessel 30 minutes before the time designated for departure in the notice or the notice as modified, and will wait 1 hour for departure.

(e) A permit holder must accommodate a NMFS observer assigned under these regulations. The Regional Director's office, and not the observer, will address any concerns raised over accommodations.

(f) The permit holder, vessel operator, and crew must cooperate with the observer in the performance of the observer's duties, including:

(1) Allowing for the embarking and debarking of the observer.

(2) Allowing the observer access to all areas of the vessel necessary to conduct observer duties.

(3) Allowing the observer access to communications equipment and navigation equipment as necessary to perform observer duties.

(4) Allowing the observer access to VMS units to verify operation, obtain data, and use the communication capabilities of the units for official purposes.

(5) Providing accurate vessel locations by latitude and longitude or loran coordinates, upon request by the observer.

(6) Providing sea turtle, marine mammal, or sea bird specimens as requested.

(7) Notifying the observer in a timely fashion when commercial fishing operations are to begin and end.

(g) The permit holder, operator, and crew must comply with other terms and conditions to ensure the effective deployment and use of observers that the Regional Director imposes by written notice.

(h) The permit holder must ensure that assigned observers are provided living quarters comparable to crew members and are provided the same meals, snacks, and amenities as are normally provided to other vessel personnel. A mattress or futon on the floor or a cot is not acceptable if a regular bunk is provided to any crew member, unless other arrangements are approved in advance by the Regional Director.

(i) Reimbursement requirements are as follows:

(1) Upon observer verification of vessel accommodations and the number of assigned days on board, NMFS will reimburse vessel owners a reasonable amount for observer subsistence as determined by the Regional Director.

(2) If requested and properly documented, NMFS will reimburse the vessel owner for the following:

(i) Communications charges incurred by the observer.

(ii) Lost fishing time arising from a seriously injured or seriously ill observer, provided that notification of the nature of the emergency is transmitted to the Fisheries Observer Branch, Southwest Region, NMFS (see

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(3) Fail to comply with any protective measures implemented under § 660.51 or § 660.52.

(4) Leave a trap unattended in the Management Area except as provided in § 660.48.

(5) Maintain on board the vessel or in the water more than 1,200 traps per fishing vessel, of which no more than 1,100 can be assembled traps, as specified in § 660.48.

(6) Land lobsters taken in Permit Area 1 after the closure date, as specified in § 660.50, until the fishery opens again the following year.

(7) Refuse to make available to an authorized officer and employee of NMFS designated by the Regional Director for inspection and copying any records that must be made available in accordance with § 660.14(f)(2).

(8) Possess on a fishing vessel that has a limited access permit issued under this subpart any lobster trap in Crustaceans Permit Area 1 when fishing for lobster is prohibited as specified in §§ 660.45(a), 660.50, 660.51, or 660.52, except as allowed under § 660.48(a)(7).

(9) Possess on a fishing vessel that has a limited access permit issued under this subpart any lobster trap in Crustaceans Permit Area 1 VMS Subarea when fishing for lobsters is prohibited as specified in §§ 660.45(a), 660.50, 660.51, and 660.52, except as allowed under § 660.48(a)(8).

(10) Interfere with, tamper with, alter, damage, disable, or impede the operation of a VMS unit or to attempt any of the same while engaged in the Permit Area 1 fishery; or to move or remove a VMS unit while engaged in the Permit Area 1 fishery without first notifying the Regional Administrator.

(11) Make a false statement, oral or written, to the Regional Administrator or an authorized officer, regarding the certification, use, operation, or maintenance of a VMS unit used in the fishery.

(12) Fail to allow an authorized officer to inspect and certify a VMS unit used in the fishery.

(13) Possess, on a fishing vessel that has a limited access permit issued under this subpart, any lobster trap in a lobster grounds that is closed under § 660.50(b), unless the vessel has an

operational VMS unit, certified by NMFS, on board.

(b) In Permit Area 2, it is unlawful for any person to—

(1) Fish for, take, or retain lobsters—

(i) By methods other than lobster traps or by hand, as specified in § 660.48; or

(ii) During a closed season, as specified in § 660.45(b).

(2) Retain or possess on a fishing vessel any lobster taken in Permit Area 2 that is less than the minimum size specified in § 660.44.

(3) Possess on a fishing vessel any lobster or lobster part taken in Permit Area 2 in a condition where the lobster is not whole and undamaged as specified in § 660.44.

(4) Retain or possess on a fishing vessel, or remove the eggs from, any egg-bearing lobster, as specified in § 660.44.

(5) Possess on a fishing vessel that has a permit for Permit Area 2 issued under this subpart any lobster trap in Permit Area 2 when fishing for lobster in the main Hawaiian Islands is prohibited during the months of May, June, July, and August.

[61 FR 34572, July 2, 1996, as amended at 62 FR 35449, July 1, 1997; 63 FR 20540, Apr. 27, 1998; 64 FR 36822, July 8, 1999]

### § 660.43 Notifications.

(a) The operator of any vessel subject to the requirements of this subpart must:

(1) Report, not less than 24 hours, but not more than 36 hours, before landing, the port, the approximate date and the approximate time at which spiny and slipper lobsters will be landed.

(2) Report, not less than 6 hours and not more than 12 hours before off-loading, the location and time that off-loading of spiny and slipper lobsters will begin.

(b) The Regional Director will notify permit holders of any change in the reporting method and schedule required in paragraphs (a)(1) and (2) of this section at least 30 days prior to the opening of the fishing season.

### § 660.44 Lobster size and condition restrictions—Permit Area 2.

(a) Only spiny lobsters with a carapace length of 8.26 cm or greater may



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be retained (see Figure 3 of this subpart).

(b) Any lobster with a punctured or mutilated body, or a separated carapace and tail, may not be retained.

(c) A female lobster of any size may not be retained if it is carrying eggs externally. Eggs may not be removed from female lobsters.

### § 660.45 Closed seasons.

(a) Lobster fishing is prohibited in Permit Area 1 during the months of January through June, inclusive.

(b) Lobster fishing is prohibited in Permit Area 2 during the months of May, June, July, and August.

[61 FR 34572, July 2, 1996, as amended at 63 FR 20540, Apr. 27, 1998]

### § 660.46 Closed areas.

All lobster fishing is prohibited:

(a) Within 20 nm of Laysan Island.

(b) Within the EEZ landward of the 10-fathom curve as depicted on National Ocean Survey Charts, Numbers 19022, 19019, and 19016.

### § 660.47 Gear identification.

In Permit Area 1, the vessel's official number must be marked legibly on all traps and floats maintained on board the vessel or in the water by that vessel.

### § 660.48 Gear restrictions.

(a) *Permit Area 1.* (1) Lobsters may be taken only with lobster traps or by hand. Lobsters may not be taken by means of poisons, drugs, other chemicals, spears, nets, hook, or explosives.

(2) The smallest opening of an entry way of any lobster trap may not allow any sphere or cylinder greater than 6.5 inches (16.5 cm) in diameter to pass from outside the trap to inside the trap.

(3) Each lobster trap must have a minimum of two escape vent panels that meet the following requirements:

(i) Panels must have at least four unobstructed circular holes no smaller than 67 mm in diameter, with centers at least 82 mm apart.

(ii) The lowest part of any opening in an escape vent panel must not be more than 85 mm above the floor of the trap.

(iii) Panels must be placed opposite one another in each trap.

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(4) A vessel fishing for or in possession of lobster in any permit area may not have on board the vessel any trap that does not meet the requirements of paragraphs (a)(1), (2), and (3) of this section.

(5) A maximum of 1,200 traps per vessel may be maintained on board or in the water, provided that no more than 1,100 assembled traps are maintained on board or in the water. If more than 1,100 traps are maintained, the unassembled traps may be carried as spares only, in order to replace assembled traps that may be lost or become unusable.

(6) Traps shall not be left unattended in any permit area, except in the event of an emergency, in which case the vessel operator must notify the NMFS Law Enforcement Office of the emergency that necessitated leaving the traps on the grounds, and the location and number of the traps, within 24 hours after the vessel reaches port.

(7) A vessel whose owner has a limited access permit issued under this subpart and has an operating VMS unit certified by the NMFS may enter Crustaceans Permit Area 1 with lobster traps on board on or after June 25, but must remain outside the Crustaceans Permit Area 1 VMS Subarea until the NWHI lobster season opens on July 1.

(8) A vessel whose owner has a limited access permit issued under this subpart and has on board an operational VMS unit certified by NMFS may transit Crustaceans Permit Area 1, including Crustaceans Permit Area 1 VMS Subarea, with lobster traps on board for the purpose of moving to another lobster grounds or returning to port following the closure date, as specified in § 660.50, providing the vessel does not stop or fish and is making steady progress to another lobster grounds or back to port as determined by NMFS.

(9) The operator of a permitted vessel must notify the Regional Administrator or an authorized officer no later than June 15 of each year if the vessel will use a VMS unit in the fishery and allow for inspection and certification of the unit.

(b) *Permit Area 2.* Lobsters may be taken only with lobster traps or by hand. Lobsters may not be taken by

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means of poisons, drugs, other chemicals, spears, nets, hooks, or explosives.

[61 FR 34572, July 2, 1996, as amended at 62 FR 35450, July 1, 1997; 63 FR 20540, Apr. 27, 1998; 64 FR 36822, July 8, 1999]

### § 660.49 At-sea observer coverage.

All fishing vessels subject to this subpart and subpart B of this part must carry an observer when requested to do so by the Regional Director.

### § 660.50 Harvest limitation program.

(a) *General.* Harvest guidelines for the Necker Island Lobster Grounds, Gardner Pinnacles Lobster Grounds, Maro Reef Lobster Grounds, and General NWHI Lobster Grounds for Permit Area 1 will be set annually for the calendar year and shall:

(1) Apply to the total catch of spiny and slipper lobsters.

(2) Be expressed in terms of numbers of lobsters.

(b) *Harvest guideline.* (1) The Regional Administrator shall use information from daily lobster catch reports and lobster sales reports from previous years, and may use information from research sampling and other sources to establish the annual harvest guideline in accordance with the FMP after consultation with the Council.

(2) NMFS shall publish a document indicating the annual harvest guideline in the FEDERAL REGISTER by February 28 of each year and shall use other means to notify permit holders of the harvest guideline for the year.

(3) The Regional Administrator shall determine, on the basis of the information reported to NMFS by the operator of each vessel fishing, when the harvest guideline for each lobster ground will be reached.

(4) Notice of the date when the harvest guideline for a lobster ground is expected to be reached and specification of the closure date of the lobster grounds will be provided to each permit holder and/or operator of each permitted vessel at least 24 hours in advance of the closure. After a closure, the harvest of lobster in that lobster ground is prohibited, and the possession of lobster traps on board the vessel in that lobster ground is prohibited unless allowed under § 660.48(a)(8).

(5) With respect to the notification in paragraph (b)(4) of this section, NMFS shall provide each permit holder and operator of each permitted vessel with the following information, as appropriate:

(i) Determination of when the overall harvest guideline for Crustaceans Permit Area 1 will be reached;

(ii) Closure date after which harvest of lobster or possession of lobster traps on board the vessel in a lobster grounds is prohibited;

(iii) Closure date after which the possession of lobster traps on board the vessel in Crustaceans Permit Area 1 is prohibited by any permitted vessel that is not operating a VMS unit certified by NMFS; and

(iv) Specification of when further landings of lobster will be prohibited by permitted vessels not carrying an operational VMS unit, certified by NMFS, on board.

(c) *Monitoring and adjustment.* The operator of each vessel fishing during the open season shall report lobster catch (by species) and effort (number of trap hauls) data while at sea to NMFS in Honolulu. The Regional Director shall notify permit holders of the reporting method, schedule, and logistics at least 30 days prior to the opening of the fishing season.

[61 FR 34572, July 2, 1996, as amended at 62 FR 35450, July 1, 1997; 63 FR 20541, Apr. 27, 1998; 64 FR 36822, July 8, 1999]

### § 660.51 Monk seal protective measures.

(a) *General.* This section establishes a procedure that will be followed if the Regional Director receives a report of a monk seal death that appears to be related to the lobster fishery in Permit Area 1.

(b) *Notification.* Upon receipt of a report of a monk seal death that appears to be related to the lobster fishery, the Regional Director will notify all interested parties of the facts known about the incident. The Regional Director will also notify them that an investigation is in progress, and that, if the investigation reveals a threat of harm to the monk seal population, protective measures may be implemented.

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(c) *Poisons and explosives.* The possession or use of any poisons, explosives, or intoxicating substances for the purpose of harvesting bottomfish and sea-mount groundfish is prohibited.

### § 660.65 At-sea observer coverage.

(a) All fishing vessels subject to this subpart must carry an observer when directed to do so by the Regional Director.

(b) The Pacific Area Office will advise the vessel owner or operator of any observer requirement within 72 hours (not including weekends or holidays) of receipt of the notice. If an observer is required, the owner or operator will be informed of the terms and conditions of observer coverage, and the time and place of embarkation of the observer.

(c) All observers must be provided with sleeping, toilet, and eating accommodations at least equal to that provided to a full crew member. A mattress of futon on the floor or a cot is not acceptable in place of a regular bunk. Meal and other gallery privileges must be the same for the observer as for other crew members.

(d) Female observers on a vessel with an all-male crew must be accommodated either in a single-person cabin or, if reasonable privacy can be ensured by installing a curtain or other temporary divider, in a two-person cabin shared with a licensed officer of the vessel. If the cabin assigned to a female observer does not have its own toilet and shower facilities that can be provided for the exclusive use of the observer, then a schedule for time-sharing of common facilities must be established and approved by the Regional Director prior to the vessel's departure from port.

### § 660.66 Protected species conservation.

The Regional Director may change the size of the protected species study zones defined in § 660.12 of this subpart:

(a) If the Regional Director determines that a change in the size of the study zones would not result in fishing for bottomfish in the NWHI that would adversely affect any species listed as threatened or endangered under the ESA.

(b) After consulting with the Council.

(c) Through notification in the FEDERAL REGISTER published at least 30 days prior to the effective date or through actual notice to the permit holders.

### § 660.67 Framework for regulatory adjustments.

(a) *Annual reports.* By June 30 of each year, a Council-appointed bottomfish monitoring team will prepare an annual report on the fishery by area covering the following topics:

(1) Fishery performance data.

(2) Summary of recent research and survey results.

(3) Habitat conditions and recent alterations.

(4) Enforcement activities and problems.

(5) Administrative actions (e.g., data collection and reporting, permits).

(6) State and territorial management actions.

(7) Assessment of need for Council action (including biological, economic, social, enforcement, administrative, and state/Federal needs, problems, and trends). Indications of potential problems warranting further investigation may be signaled by the following indicator criteria:

(i) Mean size of the catch of any species in any area is a pre-reproductive size.

(ii) Ratio of fishing mortality to natural mortality for any species.

(iii) Harvest capacity of the existing fleet and/or annual landings exceed best estimate of MSY in any area.

(iv) Significant decline (50 percent or more) in bottomfish catch per unit of effort from baseline levels.

(v) Substantial decline in ex-vessel revenue relative to baseline levels.

(vi) Significant shift in the relative proportions of gear in any one area.

(vii) Significant change in the frozen/fresh components of the bottomfish catch.

(viii) Entry/exit of fishermen in any area.

(ix) Per-trip costs for bottomfishing exceed per-trip revenues for a significant percentage of trips.

(x) Significant decline or increase in total bottomfish landings in any area.

# **Magnuson-Stevens Fishery Conservation and Management Act**

## **Public Law 94-265**

As amended through October 11, 1996

### **SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS      16 U.S.C. 1853**

**95-354, 99-659, 101-627, 104-297**

**(a) REQUIRED PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

**97-453, 99-659, 101-627, 102-251, 104-297**

**(b) DISCRETIONARY PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]\* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]\*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

**97-453, 104-297**

**(c) PROPOSED REGULATIONS.**--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.



*Estimated Total Annual Burden Hours:* 248.

*Estimated Total Annual Cost to Public:* \$185.

#### IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 10, 2003.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 03-9487 Filed 4-16-03; 8:45 am]

BILLING CODE 3510-22-S

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 041403B]

##### Submission for OMB Review; Comment Request

**SUPPLEMENTARY INFORMATION:** The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration.

*Title:* Limits on Application of Take Prohibitions.

*Form Number(s):* None.

*OMB Approval Number:* 0648-0399.

*Type of Request:* Regular submission.

*Burden Hours:* 4,235.

*Number of Respondents:* 318.

*Average Hours Per Response:* 20 hours for a road maintenance agreement; 5 hours for a diversion screening limit project; 30 hours for an urban development package; 15 hours for a tribal plan or joint state/tribal plan;

10 hours for a fishery harvest or hatchery plan; 5 hours for a report of aided, salvaged, or disposed of salmonids; 2 hours for a research permit; 5 hours for an artificial propagation plan; and 5 hours for an annual report.

*Needs and Uses:* Section 4(d) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 et. seq.) requires the National Marine Fisheries Service (NMFS) to adopt such regulations as it "deems necessary and advisable to provide for the conservation of" threatened species. Those regulations may include any or all of the prohibitions provided in section 9(a)(1) of the ESA, which specifically prohibits "take" of any endangered species ("take" includes actions that harass, harm, pursue, kill, or capture). The first salmonid species listed by NMFS as threatened were protected by virtually blanket application of the section 9 take prohibitions. There are now 20 separate Evolutionarily Significant Units (ESUs) of west coast salmonids listed as threatened, covering a large percentage of the land base in California, Oregon, Washington and Idaho. NMFS is obligated to enact necessary and advisable protective regulations.

NMFS makes section 9 prohibitions generally applicable to many of those threatened ESUs, but also seeks to respond to requests from states and others to both provide more guidance on how to protect threatened salmonids and avoid take, and to limit the application of take prohibitions wherever warranted. The regulations describe programs or circumstances that contribute to the conservation of, or are being conducted in a way that adequately limits impacts on, listed salmonids. The regulations do not apply the take prohibitions to those programs and circumstances. Certain of these limits on the take prohibitions entail submission of a plan to NMFS and/or annual or occasional reports by entities wishing to take advantage of these limits, or continue within them.

*Affected Public:* State, Local, or Tribal Government; business or other for-profit organizations, and farms.

*Frequency:* On occasion, annually.

*Respondent's Obligation:* Mandatory.

*OMB Desk Officer:* David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: April 10, 2003.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 03-9488 Filed 4-16-03; 8:45 am]

BILLING CODE 3510-22-S

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 041403C]

##### Proposed Information Collection; Comment Request; Southwest Region Logbook Family of Forms.

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before June 16, 2003.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Alvin Katekaru, 808-973-2935, ext. 2072937, or at Alvin.Katekaru@noaa.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Participants in Federally-managed fisheries in the western Pacific are required to provide certain information about their fishing activities. These can include logbooks, notifications, and other requirements, as well as use of a Vessel monitoring system (VMS). The information is needed for the management of the fisheries.

## II. Method of Collection

Reports from a Vessel Monitoring System VMS are automatic and electronic. Pre-landing and pre-offloading notifications are made by phone or FAX. Other submissions are made in paper form.

## III. Data

*OMB Number:* 0648-0214.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations, individuals or households.

*Estimated Number of Respondents:* 162.

*Estimated Time Per Response:* 5.25 minutes per day for a logbook in Pacific Pelagic fisheries (unless otherwise noted); 5 minutes per report for logbooks in the western Pacific Crustacean or pelagic toll or handline fisheries; 7 minutes per day for a logbook in the western Pacific Precious Coral fishery; 5 minutes per report for a pelagic longline transshipment logbook; 5 minutes for a crustacean sales report in a logbook; 3 minutes for an at-sea crustacean catch report; 3 minutes for a crustacean pre-trip or pre-offloading notice; 1 hour per longline observer placement meeting; 4 hours for a claim of lost longline fishing time; 5 minutes for a report on lobster trap gear left at sea; 5 minutes for a precious corals sales report; 2 hours for a protected species interaction report in the Northwestern Hawaiian Islands (NWHI) bottomfish fishery; 3 minutes for a NWHI lobster pre-season Vessel Monitoring System (VMS) report; 4 hours for installation of a VMS unit in Hawaii-based longline fishery; 2 hours for annual maintenance of a VMS unit in the Hawaii longline fishery; 24 seconds a day for automated VMS position reports from the Hawaii longline area closures; 4 hours for an experimental fishing report; 5 minutes for a pelagic management unit species dealer report; 24 seconds/day for notification of entry to/exit from a protected species zone [automated position report via a VMS]; 30 minutes for a request for longline closed area exemption; 5 minutes for crustacean dealer packing, weigh-out slips, and records; 3 minutes for a NWHI bottomfish fishery pre-trip notification; and 3 minutes for a NWHI bottomfish pre-landing notification.

*Estimated Total Annual Burden Hours:* 2,339.

*Estimated Total Annual Cost to Public:* \$3,293.

## IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 10, 2003.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 03-9489 Filed 4-16-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 032703F]

### Endangered and Threatened Species; Take of Anadromous Fish

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Receipt of applications for scientific research permits 1430 and 1431 and request for comment.

**SUMMARY:** Notice is hereby given that NMFS has received an application for scientific research from Jones & Stokes (J&S) in Sacramento, CA (1430) and California Department of Water Resources (CDWR) in Sacramento, CA (1431). These permits would affect federally threatened Central Valley spring-run Chinook salmon and Central Valley steelhead. This document serves to notify the public of the availability of the permit applications for review and comment.

**DATES:** Written comments on the permit applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific Standard Time on May 19, 2003.

**ADDRESSES:** Written comments on this request should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review by appointment, for permits 1430 and 1431: Protected Resources Division, NMFS, 650 Capitol Mall, Suite 8-300, Sacramento, CA 95814 (ph: 916-930-3600, fax: 916-930-3629). Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401).

### FOR FURTHER INFORMATION CONTACT:

Rosalie del Rosario at phone number 916-930-3600, or e-mail:

*Rosalie.delRosario@noaa.gov.*

### SUPPLEMENTARY INFORMATION:

#### Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531B1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

#### Species Covered in This Notice

This notice is relevant to the federally threatened Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) and threatened Central Valley steelhead (*O. mykiss*).

#### Applications Received

J&S requests a 1-year permit (1430) for take of adult and juvenile threatened Central Valley spring-run Chinook